

# THE INAUGURAL LECTURES ON THE GODWIN FOUNDATION<sup>1</sup>

## I

### THE CONSERVATION OF REPUBLICAN INSTITUTIONS

I VALUE much the honor of being the first lecturer upon this, the Godwin Foundation, the result of the benefaction of one of your generous citizens, and I know that after me will come many lecturers whom it will be a great benefit to hear.

The spoken word is better than the written word; it assists the written and printed word in directing one's attention, and it enables one who hears to read with more interest, with more understanding, with more attention; and therefore I welcome, for you, the opportunity which the generosity of your fellow-citizen has given you.

The subject assigned me to-night is "The Conservation of Republican Institutions," and of course it is difficult to discuss that without giving it direct application to the republic we know.

On this, the anniversary of a battle that made the freedom for Texas and offered the opportunity of the annexation of Texas to the United States or of the United States to Texas, it is fitting perhaps that we should consider

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what the result has been of the greatest experiment in popular government ever attempted in the history of the world.

For 130 years we have been trying, and I think succeeding, in carrying on a government by the will of the people. We have become so used to the experiment that we have not realized in many ways its difficulties. Did you ever analyze the problem of interpreting into governmental action what the will of the people is? We speak glibly of the rule of the people, of popular government. Government is a practical business in which principles have to be applied in detail, and decisions have to be made minute. How can you interpret into such actions the will of one hundred million people? Well, in the first place, we determine those who are best fitted in that hundred million, as a class, to exercise the right of voting, and thus directly to take part in the political machinery of the government. Now, with the voting of women, as it is bound to come either in this election or the next, we shall have thirty or forty million electors. How are you going to arrive at their will as to the details of government? Well, one method of reducing the problem is, to say that we will follow the will of the majority, the rule of the majority; but that only reduces your problem from the will of thirty million to the will of fifteen million and one vote. Now, fifteen millions of people do not agree on all principles of government; it is impossible to assume that they will; even if you will make the violent assumption that the half that are men can be made to agree, what are you going to do about the half that are women? Well, the only way by which we do it is by the organization of parties. Parties are essential to popular government; and those who would wish them done away with are looking at them only super-

ficially, and do not realize how necessary they are to solve the great problems involved in constructive governmental work. Parties are organizations of which the members agree on a few general principles and who select candidates for office pledged to carry out those general principles; a majority of the people votes for them, they take office, and carry out principles agreed upon. And thus, by a kind of rule of the thumb method, the will of one hundred millions of people is interpreted into governmental action. But we have another means of doing that more perfectly, which is by representative institutions; that is, agreeing on general principles only, we select legislators and executives with the power to represent us and to act, to decide the details and to meet the complicated questions in accord with those general principles. We are bound to give them this discretionary authority in order that government may work at all.

Of late there has been a good deal of doubt as to whether we are not deteriorating in our government, whether we are living up to the same standards that perhaps thirty or forty years ago we had. When we hear criticisms of that sort, we must realize that the conservatives are always looking to the past as a basis for condemning the present; I think, however, we can note in our present a disposition to change from representative institutions to something that is called direct democracy. In the town meeting of New England, all the town people met and decided by a mass vote what was to be done. In a small village or town that was possible; but in the earliest times in New England they had representative institutions whenever it was necessary to govern several towns under one government.

The cure for the evils of democracy is said to be more democracy. I think we have gone too far in that respect.

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I think that we have invited the people to attempt more than they are willing to do or are capable of doing in the matter of details of government. This is not to impeach their intelligence, but it is merely to measure how much men of intelligence can do in the practical matter of government by casting ballots on election day.

A government must be suited to the habits of a people. It may strive to stir them to greater activity, but it must realize the natural limits of that activity; and the disposition on the part of many of those who have engaged in reform of state governments within the last ten or twelve years—twenty—has been to heap upon the people the duty of voting directly in what are called referendums on complicated questions of statutory policy upon which the people have no desire, as shown by the smallness of the vote, and but little time, and but little capacity, because of a lack of time and experience, to make decisions as to complicated statutes and as to questions that really need in their settlement and skill the experience, the knowledge, and the opportunity to secure information, which a legislature has. By heaping up duties of that sort you find that the votes, at the election, are reduced in numbers, that people will not give the time to decide, that they hand in blank ballots, and that the candidates are voted for when the questions submitted are allowed to go unanswered. Now that proves the mistake in the plan. It is a question of expediency; it is a question of getting decisions that are intelligent. To put questions to a small minority of the people and to leave those who do not care out of the solution, is not really securing the real public opinion. The majority do not bother because they prefer to select representatives in whom they have confidence and in whose judgment they would rather confide than to exercise such judgment themselves.

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I think the experience of government, of our government and state governments, will gradually teach the people we have gone too far in this matter, and that we shall recur to representative government in the purer sense.

This same system has been carried into the governing of parties. Government has taken charge of parties, something that was not thought of thirty or forty years ago. I do not disagree with the wisdom of prescribing regulations for selection of candidates by parties; but I do say that such regulations should be so framed, first, that the members of the party shall be able to determine the policy and candidates of the party, and that these shall not be determined by members of another party, as is now so frequently the case. This is one of the great evils to which this indiscriminate desire to have everybody vote at every election has led in many States.

Now, the next experiment which has been made in respect to our government has been the nomination by general primary rather than by convention. I think on the whole that has proved to be a failure. I think that the deliberation of conventions is necessary to select good candidates (except perhaps the candidates either for governor or for senator), but for all other offices, especially those of judges, laymen and the general run of people are not able to give a valuable judgment. It ought to be left to conventions. It has been said that conventions have been corrupt and corrupted and are corrupting. That is true. But, my friends, if you want to reform a system you should safeguard the system and not make so radical a change. There is no reason why you cannot safeguard the selection of delegates to the convention as you do safeguard the selection under a general primary.

Now, a general primary, with the laws that we have

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passed, has brought about such a state of affairs that a man cannot run for office unless he makes an affidavit and gets other affidavits that he really wants the office, and shows that he is so hot after it that there isn't a possible danger that he will decline. It has ended altogether the theory that the office may well seek the man. Not only that, it has imposed an expense both upon the State and upon the candidates, that instead of working in the interest of candidates who are poor and competent, it really excludes all but two classes: one is the man selected by the machine that always has an organization and that is always on duty, and the other is the man who has money enough in his pocket to make a new machine. Therefore, that which has the lure of pure democracy has turned out to be a failure. It has not improved, to say the least of it, the candidates selected for office. It lacks the deliberation of a convention in the selection of candidates, because, boss-ridden as the convention may be, it nevertheless feels the responsibility for the party, and will wish to put some good man on the ticket to carry the election.

I look for a revulsion and reaction in this regard, and it will strengthen the republic when it comes, in my judgment. The politicians have not got up to the point yet of telling the people the truth about this general primary. You speak to a politician behind the door and he will tell you it is a fraud, but when he comes to vote to end the fraud in the legislature, he is afraid of what some other fellow will say about him, in attempting to deprive the people of their rights. I know this is not popular, but I am in a place where I can say it whether it is popular or not, and I am telling the truth as I know it.

In New York State, what have they done there over this general primary? Why, they have what they call an in-

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formal convention. They have not had the courage to repeal the general primary, so they have an informal convention. They nominate candidates just as they always did under the convention system; they have then a primary and the nominated ticket of course goes through.

Why shouldn't they be brave enough and strong enough to go in and vote out this thing that they thus are gradually creeping up on? They are afraid if they do it that the opponents will say, "That shows you are the enemy of the people."

I have not mentioned these things to heighten the gloom of the people who are depressed and lacking in optimism about popular government and see everything black in the future, because government does not do things perfectly. Of course it does not do things perfectly. It is a human institution in the first place, and in the second place we cannot expect to have government work as smoothly as it would under one man for a little while and have all the people share in the government; but the great blessing of the freedom secured in the rule of the people is such that we must be willing to pay something for that privilege, and have every man do his share and every woman her share in the government and in meeting its responsibility. The privilege of ruling ourselves far outweighs anything of so-called efficiency supposed to result from the system devised by William of Germany with its tyranny which no American could stand.

I am an optimist. We are going through a transition period. We had in our government very able leaders under whom the country was threatened with the corporate control of politics, and these able leaders were weighted down by the suspicion that they were tinctured with willingness to have corporate political control. This gave opportunity

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to another class of politicians, who attacked the men in power and drove them out of politics. In that transition period men have succeeded in proving who were destructive and who by reason of their destructive capacity climbed into power, and they haven't the constructive ability that we need. This is a transition period and we are making statesmen and we will go on to another period when we shall have the same ability that we had in the past to rid ourselves of the danger of corporate control of politics.

So much for the attitude of criticism by the stiff conservatives, who doubt whether popular government is to be successful.

Then, on the other hand, we have a more serious challenge. We have the challenge of the Socialists, of the Bolsheviks, of the followers of Marx, who challenge all our American institutions. The Marxian philosophers are not without followers in this country; and they are to be found in the ranks of professors and others who do not go so far as Marx, but who look with favor on the criticism of our Constitution and our system of society and our social order. They point out the defects of the Constitution. They are against what I regard, and what I hope you regard, as the American spirit. And what is that? It is the spirit of individual liberty, the spirit of equality of opportunity, the spirit of the responsibility of the people for government. It is embodied in the Bill of Rights in the protection of individual liberty and all the rights therein secured. Now, it is said that the Constitution is not up to date, that it embodies in it the individualism of the eighteenth century in its rigid form, that what we need now is community action, the exaltation of the State and state action in the interest of all; that the Constitution exaggerates the importance of



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individualism; that it makes too rigid the right of property, and that it interferes with real progress. Now, I venture to think that the gentlemen who lend themselves and their names as profound thinkers to such suggestions, have not studied the Constitution with respect and have not studied the decisions of the Supreme Court in interpreting that great instrument. Our representative institutions rest on the Declaration of Independence, that instrument eloquent with the phrases of individual liberty and the rule of the people, and that still greater instrument, because more constructive, the Constitution of the United States. That is a wonderful instrument, and these gentlemen who criticize it should consider it, its comprehensiveness, its simplicity, and its brevity. Its wonderful adaptability to conditions, 130 years after its adoption, justifies the statement of Gladstone that "It is the greatest fundamental of government ever struck from the brain of man." If you wish to understand the greatness of that instrument, I commend you to a little comparison; I commend you to the constitution of Oklahoma. You can read the Constitution of the United States in the time you read a newspaper article; if you read the constitution of Oklahoma, it will be like reading the Revised Statutes. I do not think that in that constitution they do provide what shall be the length of the sheets in an Oklahoma hotel, but they certainly go into details nearly as absurd as that. I know something about that because I was Secretary of War when that constitution was up for adoption, and I went down to Oklahoma and discussed it. I was afterward consulted by Mr. Roosevelt, as President, as to whether the constitution was such that he could reject it, as he was inclined to do. I didn't think he had the authority under the law to do so. Being down there it gave me great pleasure to take up that instrument

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and try to dissect it for the benefit of those who assembled in Oklahoma City and did me the honor to come and hear me. I do not remember any discussion that gave me more pleasure in my whole life than pointing out the absurdities of that instrument. You know you have two pleasures in speaking: one is when your audience agrees with you and one when it does not, and this came under the latter class. But I have been there since, twelve years after, and I think I can get an audience there now that will agree with me fully on what I said twelve years ago. Now, the difference between the Federal Constitutional Convention and that of Oklahoma was, that Oklahoma had men who thought they could tell people what they would want or ought to want twenty-five years hence in every detail of government; whereas the men that framed the Constitution of the United States, realizing that the instrument was for centuries, drafted it in broad, generous outline, with only general restrictions. So it has happened that, while from a country with only four millions of people strung along the eastern seaboard we have expanded into one hundred or one hundred and ten millions of people, with a domain a continent wide and including countries outside of our continent, our Constitution applies as well to our present empire, the leading country of the world, with the greatest resources, as it did to that weak and youthful country which was first organized into a central government in 1789. This speaks wonders for our Constitution and we ought not to give it up or yield to dreaming students of politics who have had no practical experience and are dealing in theories not tested by the application of human nature to those theories.

Now, I want to take up these criticisms of individual liberty and the right of property. If individual liberty were

a mathematical measure it might well be something that could not stand the test of the growth of 130 or 140 years; but that is not what it is. It is something that necessarily changes with the change of conditions. A man out on the plains living a hundred miles from everybody can live as dirty a life as he chooses; he can be as insanitary as he will; he can indulge in all of the pleasures of typhoid fever, or measles, or smallpox, or diphtheria, or anything highly contagious, and there is nobody to curtail his liberty in that regard, because nobody is to be injured. The maxim is, "*Sic utere tuo alienum non laedas*," "So use your own as not to injure another's property." And he doesn't injure anybody; if he dies, why, it is only his affair. But now, when, by the prosperity that comes from the practice of individual liberty and the right of property and the other rights, men gather together in settlements, there is necessarily a curtailment of individual liberty, because the primary rule with respect to individual liberty is that each shall enjoy liberty equal to that of another. Therefore your liberty which you enjoy must be consistent with every other man's enjoying exactly the same amount of liberty that you have. In other words, while the analogy is not perfect, it is as if there were a great reservoir of liberty to be distributed around to everybody, and the more there are the less liberty each gets. That necessarily follows, or you cannot run a government with many people. And so, too, with respect to the right of property; you may at first enjoy an absolute right of property to use it as you please, but it may come that you and others combining shall so use it as to abuse the right, to exercise a tyranny in respect to a certain line of business, to fix prices and exercise an arbitrary power therein. In such case the legislature has the power, within the Constitution, to restrict that right of property and pro-

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vide that such use of it shall be against the law. Thus we have anti-trust laws, and they have been sustained by the Supreme Court. Then, too, there is the regulation of the use of your property if it is devoted to a public purpose. If you are using your property to perform a function in which the public have a direct interest, you may be subjected in the use of it to governmental regulation. The government has the right to say how much you shall get for those serving the public, or withhold from you the opportunity to do so. All those things are quite within the constitutional power of the legislature. And when you consult the Supreme Court decisions you will see that that court fully recognizes, and has always recognized, that change of conditions justifies a change in reference to the exercise of legislative power in the regulation of property and liberty.

But now the attack made on individual liberty and the right of property is not so much an attack upon our Constitution as it is an attack on our social order, an attack on capitalistic society, as it is called. And when you say we have capitalistic society, you frighten every politician. He tries to get away from the proposition that he favors capitalistic society. The barrel-headed orator dwells on this, and the names of Rockefeller and all those who have amassed great fortunes are constantly on his lips to point out the dreadful consequences of capitalistic society. It is the greatest and the best society and social order that was ever devised, and it is great because it has grown up in accord with the needs of men and has adapted itself to material progress and to the intellectual use and spiritual progress of the world. I am here to defend capitalistic society. It rests on the right of property and individual liberty. Can you conceive of individual liberty without the right of property? Just think it over. What is the right

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of property? It is the right to enjoy your own earnings, to appropriate them to yourself, to use them for what you will. It is the right to save them if you will by the exercise of self-restraint and thrift, and then apply them to what? Apply them to the increase of the product of manual labor. The right of property stimulates industry. It stimulates thrift and saving, and it stimulates invention and the genius of organization, and all those things have made the production of manual labor an hundredfold, a thousandfold, a millionfold more than what it was in the early days when capital had not been used, to increase the production and give us a reserve. Now what does that reserve mean? The reserve means the comforts that we all enjoy. It means that we have increased in the comfort of living beyond our fathers and our grandfathers and our great-grandfathers such as we cannot realize until we study. Why, just go back to the time of Elizabeth, that powerful monarch, and read how she lived; cold palaces, buggy beds, everything that we now regard as indispensable to the reasonable comforts and cleanliness of modern life. Now that has all come through the use of capital, the increase of the production of labor, and it means the material progress of the world. It has come from the use of capital, and without it we would not have had it.

Now, we say that this is a selfish system. It is. Well, why? Why is it useful? Why has it been successful? Well, because it has been adapted to the subject-matter under consideration. It has been a selfish system and has worked because human nature is selfish. If you were to have a government adapted to angels, it would be a mighty poor government for our people. And it is the motive of gain that has led on to all this wonderful development, that has given us this material prosperity, this reserve of capital

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and this opportunity to live as we are now living in comparative comfort. So that to-day the humblest of our workmen live in much greater real comfort than Queen Elizabeth did in the height of her glory.

It is said that as the capitalistic system is nothing but an appeal to self, the tendency of it is necessarily to carry us down to a low conception of life. That is not the way that it works. When men and women in the primeval times had to scratch the ground with fingers and nails to get the roots on which to avoid starvation, or had to use their legs and arms without weapons to chase the animals on whose meat they lived, they had no time for intellectual pursuits, no time for spiritual or artistic enjoyment; they were occupied all of the time in trying to get something to live on. It was only as in their development they invented weapons, and made the rude utensils they used, that they learned the principles of capital, that they learned that when they killed two animals it was well to save one for the next day and not to eat them both up in one meal. That second animal, if kept, was capital, those utensils and those weapons that were used were capital; and from that and those primitive lessons they went on until now we have developed our present conditions. And what has been the result of this great material progress and prosperity? It has been to teach people what real happiness is. It has been to enable them, with this reserve behind them, so they have not had to think from one meal to another, to learn the real happiness in the use of their higher faculties, in the use of their artistic sense, in their use of intellect, in their study of literature, in their study of their relation to their Creator and their God and their responsibility to Him, which is the study of religion. They learned that real happiness is in the use of their higher faculties, in the pursuit of religion, in the joy of service,

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and in the cultivation of that love of one another that develops into self-sacrifice for others, into philanthropy and charity and all those graces that we like to attribute to humankind. It is material progress upon the basis of which we can build this higher structure. "Ah," but you say, "we don't all do it." Well, I suppose we don't; but the fact that capitalistic society has developed such ideals as standards and a public opinion which judges men by those standards is proof what capitalistic society tends toward. And of course under this capitalistic system you can develop men of a very low nature. Take a man who does nothing but look after himself and the accumulation of property; who pays his taxes, not because he wishes to help the community, but because he does not want to pay the penalty; who takes out insurance to save every suit for damages that possibly can be brought against him; who watches every corner to see that he keeps within the law, and saves and accumulates and has no public interest or public spirit; and just gratifies himself in the material love of money. What happens? The social court in the social field pronounces judgment against him. And how is that judgment evidenced? It is evidenced in his reputation as a skinflint, as a man that everybody speaks of with contempt. Ah, but you say, "He doesn't mind that; he has gratified himself." Well, if he doesn't mind that, then he is a rhinoceros, and if you want to be a rhinoceros, then be one; but most of you would not, for all the money he had, exchange your reputation for his. He cannot be said to be happy in any real sense. When he dies, nobody regrets. I remember hearing Senator Conkling tell an applicable story. He said a New England man was in another town and saw a funeral, and he asked a bystander, "Whose funeral is that?" "It is a rich man, Mr. Robinson," was the answer. "What was the complaint?" inquired the man.

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"There is no complaint; everybody is satisfied," replied the bystander. Those who get the money from him have a reasonable degree of mourning for him, perhaps, but there is an air of satisfaction with which such mourning is worn that you and I are familiar with; indeed, they resent the strength and length of his bodily constitution; they are reconciled to the situation. Now does that present anything worthy of our ambition or of anything that we would seek as an evidence of happiness?

The essence of the socialistic opposition to our society is that happiness is in proportion to the number of dollars one has. That is a great mistake—a great mistake. Of course, it is true that one's happiness is much affected if one's income does not allow him and his family to live in reasonable bodily and mental comfort. That every one should have enough to live on so that there shall not be privation and suffering, goes without saying. It should be the effort of the government and of the wealthy to bring all above this line, and these efforts are being made. Never in the history of the world has there been so much devoted to philanthropy, both on the part of the state and on the part of those who have been fortunate enough to accumulate. Those below the line of real comfort in life are less in percentage of the whole than ever. When we get above that line, happiness depends upon other considerations than the mere amount of money that a man has. Money can then create happiness only, really only by its use by the one for the benefit of others, and if it is not used in that way, then it does not furnish real happiness.

Now I reach the point where our society is criticized because of the Rockefellers and others who have amassed great fortunes under a set of circumstances in a transition period that made it possible. I agree that it may be dan-



gerous to a community that the power in the control of an immense fortune shall be in one man. We pass anti-trust laws to prevent the abuse of such power. But it is said that the power is continued from father to son by will or inheritance and becomes a perpetual threat. This may be easily curbed. Property succession is not due to any limitation of the Constitution. The accumulation of a fortune is due to the right of property; but if it is desired to prevent its continuance in the next generation, it is completely within the power of the legislature to cut down the right to dispose of that accumulation, by will of its descent by inheritance to successors, so as to divide it up and prevent the possibility of a continuance of so great a fortune under one control. There is nothing in the Constitution of the United States and nothing in the constitutions of the States with whose constitutions I am familiar that prevents a legislature from saying what shall be done with a man's property after he dies.

Now, those who complain of large fortunes—they have been complaining of them for a generation—if they were really in earnest about it, ought first to hire a lawyer to find out what the law is and then to adopt legislation to the prevention of these great fortunes being continuous into the next generation. Well, why don't they do it? I will tell you why they don't do it: because zealous reformers of that kind wish to reform for the purpose of lifting themselves into office; and to wait for a generation to have the thing worked out is too long to wait to get into office, because you will die in a generation. That is the reason why we haven't had attention directed to the material remedy of such an evil, if it be an evil, on the subject. Generally the fortunes dissipate themselves under the present provisions. What I mean is, they are divided up among the children, so they

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gradually drift away. Now a great many of these rich men are giving away much of what they make. Andrew Carnegie has given it all away. He prided himself upon the fact that he was going to die without his fortune. And we see developed that disposition on the part of all rich men, or most of them, to feel the responsibility or trusteeship to devote it to benevolent purposes.

Now I have said that this system is not inconsistent with the spiritual, intellectual, and artistic advance and happiness. On the contrary, it is one which promotes it; and it would be a great mistake for us to alter it, when it has proven so adaptable to human nature as we understand it. We criticize rich men for their fortunes. We agree that they are dangerous if used in the assertion of power. But on other accounts they do not bring happiness. They entail upon their owners a burden that it is difficult for any one to realize unless he has a fortune. We all say, "Oh, yes, we would all like to have ten million, fifty million." Did you ever think of how much burden is involved in keeping it well invested? When invested, the money is being applied for the benefit of the entire community, in the creation of plants and the production of things useful for people. How much burden is involved in continuing that prosperity in which all share? Now, that is a very heavy burden for the rich man, and it is one that if you or I knew what it was by experience we would be glad to be rid of and have only enough to live on comfortably. What I am seeking to argue against is the proposition that a man who has a million dollars is ten times as happy as a man who has a hundred thousand dollars, and the man who has a million dollars is a hundred times happier than the man who has ten thousand, because that is the basis on which socialism in its attacks on our social order proceeds, and it is fundamentally erroneous.

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Think of the equality or opportunity we all have. There never was a time in the history of the world when men by effort, by saving, by organization, by invention, by exercising the gifts that God has given them, can reap as much reward as they can to-day. The equality of opportunity is here, and simply because there are great inequalities, too, and some people are richer than others, doesn't in the slightest degree militate against my statement that the opportunity, the equal opportunities for all who practise the prudent virtues, are greater to-day than they have ever been in the history of the country. When you hear the barrel-headed orator or demagogue make attacks against men like Rockefeller, ask yourself how Rockefeller has harmed you by his fortune. If we are comfortable and are able to earn our living and are able to live comfortably, it is not an injury to have another man have more money than we have.

Now, what is the offer as a substitute for this social order that we have? It is Bolshevism. It is the practice of Marxian philosophy. And what is that? It is the doctrine of social hatred. It is the hatred by the lowest proletariat of all classes who have secured by their own efforts reasonable comfort. Bolshevik hatred for classes of privilege who have appropriated the land of a country, as they did in Russia, of course is justified; at least their desire to divide that land is; but their hatred is not directed against the land owner; their hatred is directed against those whom they call the bourgeois. And who are they? They are the people who are exercising the opportunities they have, their own energy, their own power of organization and invention; have built themselves up, lifted themselves, clothed their children, educated them. They are the enterprising people; they are the people like those whom I am now addressing, people who are independent, people who rely upon

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themselves, people who make an effort and succeed. And it is against them that the whole government of Russia is now directed. They have been plundered; all their property has been taken away. Their manufacturing plants have been confiscated. They have been reduced to menial employment. Why? Because Bolshevist doctrine is the doctrine of social hatred. What kind of government have they created? What is the political organization they have agreed to? Well, what is it, really? I will give you what they say themselves: Lenine says that it is a dictatorship transferred from two hundred thousand lordly land owners to one hundred and eighty *thousand* of the proletariat, and dictatorship over one hundred and eighty millions of people, but that the latter dictatorship differs from the former in that the latter is in the interest of the masses. But it is a dictatorship, and as I go on you will see that it is. They call it a Soviet Republic. A soviet is an executive, legislative, and judicial body. It acts in the community. There is a provincial soviet and then a state soviet, and they govern with a tyranny equal to that of the Romanoffs. How are they composed? They are selected by ballot. In the country they are composed of the farmer and the soldier. What farmer? A farmer has one vote if he doesn't employ anybody to milk his cow or plow or dig on his farm. If he pays out a dollar for anybody to do work, then he is capitalistic and is disfranchised, and he casts no vote. In the cities the soviet is composed of the industrial workers and the soldiers. The soldiers always appear everywhere. The industrial worker, if he has any helper and pays him, may not vote; he is disfranchised. The plumbers don't vote in Russia, apparently. And the industrial laborer in the city has eight times as many votes as the farmer in the country. Then there is another class that

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votes, and that is the soldier, the member of the Red Guard, and he has ten times as many votes as the industrial laborer, and eighty times as many votes as the farmer. The soldier, if there is any shortage of sugar, gets it all. If there is a shortage of food, he has the first chance. The Red Guard is a coddled instrument of tyranny. There is no free press; there is no free speech. Their economic system develops into this: men are expected to work for low wages, what will keep them, and then to work on for the benefit of the state; but that doesn't operate. So they have introduced a conscription of labor, and if a man doesn't work or if he is assigned by the committee and transferred to work somewhere else and doesn't obey, he is sent to jail and made to work there. That is conscription of labor which is a euphemism for slavery. Yet this is the state in which Eugene Debs says that there is the only pure liberty in the world.

Now, my friends, they have tried the economic system, and it has failed. They first turned the plants over to the workmen, and they wouldn't work. They turned them over to the workmen to control, and the workmen were willing to control, but they couldn't because they didn't know enough. And so they had to go to the humiliating recourse of inviting back some of the bourgeois to manage their own plants, and in those plants where the thing had to be done that the government might live at all, they introduced the old system of piece-work. In other words, that government rests wholly on military autocracy. It is a greater tyranny than under the dynasty of Nicholas and his predecessors. It rests on forts, on an army. This is what is offered as a substitute by I. W. W.'s, by real Bolsheviks and parlor Bolsheviks, for our Christian civilization.

Now I don't fear that American society is going to yield

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to any such system as that. It is true that in congested centers alien persons, who have never breathed in the spirit of real American liberty, accept these doctrines. Why? Because the first principle in them is plundering somebody else. That is the basis of the popularity of Bolshevism, that they can step over and take something that somebody else has earned and saved and don't have to recognize the right of property. But the American people are going to yield to no such doctrine as that when they know what it is. I have no fear on that score. Every time that the issue is made as to law and order, and the American people have a chance to express themselves, they leave no doubt on which side they stand.

In the steel strike, beginning with a real discussion of a principle in which I sympathized with Mr. Gompers and not with Judge Gary over a feature of collective bargaining, the fight degenerated into one of foreign workmen for Bolshevism under Foster, who is himself a Bolshevik, and Fitzpatrick, who is a fanatic. The American workmen came back. Public opinion controlled, and the strike was soon over.

So, too, with respect to the coal strike. There was an attempted compulsion by 400,000 miners to freeze the people and thus win their demands that savored of the soviet method. It was condemned by public opinion and had to be given up. In the Boston police strike, the police deserted their posts because they wanted to affiliate with the American Federation of Labor, and were not permitted to do so because they must be impartial guardians of the law and have no affiliation with either side in such an industrial controversy. Without notice they left, one night, about nine o'clock, three fourths of them, and left Boston to the tender mercies of the thugs and the thieves and the plunderers and

all those human cockroaches that come out when the pressure of the police is withdrawn. Well, it sank deep into the hearts of the people of Massachusetts. Governor Coolidge was called upon by Mr. Gompers to restore them, and he said: "No, they are deserters. They may be restored to some other position, but never to one of trust like that." Then the election came on and Governor Coolidge was elected as against a candidate with lots of money who promised to restore the policemen and promised everything else under heaven, including the reduction of high prices, though the Governor of Massachusetts does not have power in connection with high prices. Nevertheless, he went about promising everything. Republican politicians shook their heads over the prospect, but the people of Massachusetts voted Governor Coolidge in by 135,000 majority, the greatest majority ever given in the history of the State. Now that was a wonderful testimony to the will of the people of Massachusetts to have law and order. It had this great effect that it makes every governor and every mayor and every sheriff know that we have got to a time in the history of the country when it is good politics to enforce the law.

Now, as I say, I do not fear; but we should be watchful; we should be careful not to allow disturbances and injury and damage to occur at the instance or hand of misguided men. Some of them may cause trouble. We should be watchful and see that where they attempt crime they are arrested and tried, and where they are really undesirable they are deported, if they are still aliens. But, my friends, the pride of American citizenship should be that in this country every man, no matter how great a miscreant, however cruel his crime, however inhuman the act of which he is accused, be given as full and free opportunity for his

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defense as if he were merely a vagrant or somebody arrested for fast driving. We must not destroy in any degree the equality of all before the law in which we take proper pride. Don't let us yearn for short cuts. Short cuts are tyranny. Procedure, which makes you and me impatient in the case of some crime in which we have a personal interest, is the protection of individual liberty.

Take the Bill of Rights to the Constitution. Most of those rights are nothing but insistence on procedure. The Anglo-Saxon, wise, and taught to be wise, by his struggle against tyranny of kings, knew that it was in machinery and in procedure by which a man might defend himself against injustice that individual liberty was to be secured, and therefore the Bill of Rights is full of procedure. The Writ of Habeas Corpus is procedure; it is the right to go before a court and compel a court to look into the question of whether you are legally detained or not by your captor. The right of trial by jury is procedure. The presentment of an indictment by a grand jury is procedure. The greatest and the most comprehensive principle in the Constitution in protecting rights is this: no man shall be deprived of life, liberty, or property without what? Without right? No. Without justice? No. It reads: "No man shall be deprived of life, liberty, or property *without due process of law*." It is not a guarantee that a man can be unjustly dealt with, but it is a guarantee that he shall have the benefit of the machinery which, in the long run and under the experience of centuries, has, on the whole, secured justice.

Therefore, I urge you, as I urge all my fellow-men, that we must not allow the theories of these socialists and anarchists, who would blow up people just for the purpose of spreading their doctrine, to influence us to depart in any degree from those grand principles for the preservation of



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liberty that have made this country what it is, those grand principles that were fought out by a thousand years of struggle against the tyranny of English kings.

This matter of deportation; that ought to be looked into very carefully. Men ought not to be deported just because they are suspected. The Supreme Court says that the executive tribunal is sufficient, but that they should have a full hearing, and that is what they ought to have, and if they are really not the objectionable persons they are charged with being, they should have the privilege of demonstrating it.

In other words, my friends, if we are fair we are strong enough to allow that fairness to go on. We are a great and powerful nation, living by principle and able to live by principle and protect ourselves.

Now don't let us yield to passion. Let us maintain the proper pride we have in our government as a place that deals equally with all men, and then, if we exercise the proper self-restraint that we ought to exercise as American citizens, and that we ought to be willing to exercise because of the great boon that our civilization has given us, we can make this government, as the constitution of Massachusetts says, "a government of laws and not of men."

WILLIAM H. TAFT.

## II

### WORLD-WIDE COÖPERATION AMONG THE NATIONS

THE subject assigned to-night is the question of the securing of peace by joint arrangement between the governments of the world. That is a subject of very present interest. I don't know what it was that interested me especially in it, unless it was judicial experience, but all my life long I have asked myself the question why nations called themselves Christian when they hadn't, after centuries, been able to provide machinery for the settlement of differences between them by peaceable means, by hearing and adjudication; and so it was that in an administration you have long forgotten, and I doubt much whether it was myself, I made two treaties, one with Great Britain and one with France, in which we agreed to submit all justiciable questions, that is, questions capable of settlement on principles of law and equity, to an international court for adjudication, and to abide the judgment; and I sent them into the Senate with much confidence because it was a distinct advance over the then arbitration treaties. I have not time, nor have I the strength, to tell you the tragedy of those hopes. What the Senate did to them I cannot detail. Suffice it to say, they came back to me maimed and crippled so that their own father could not recognize them. That was defeat; but out of defeat often something better than we expect comes. The discussion aroused and organized a group of men throughout the country who were determined

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to use such efforts as they might to bring about international agreement of that kind in the future. When this war came on, they did organize a league to enforce peace, which adopted a program that we enter at the end of the war, after it should have taught the necessity for permanency of peace, a League of Nations, to be bound by four stipulations:

First, that the members submit their justiciable differences to a court;

Second, that they submit their non-justiciable differences to a committee of conciliation to recommend a compromise;

Third, that all the nations agree that if any one violates its covenants and begins a war without such submission or before such submission, then the others will unite their economic and military forces, if need be, to restrain the nation violating its covenant and to suppress the war;

Fourth, that the League shall have conventions to codify international law, make it more definite, widen its scope.

We set that propaganda going. Similar organizations appeared in Great Britain and France and Italy, and they communicated to the plain peoples of those countries the idea of a League of Nations. Those countries, drained as they were by their dreadful losses, strained as they were by the agony of their suffering, seized upon the idea. Our government commissions sent over to stiffen the morale of those peoples reported that those peoples said it was no use to fight on and suffer, unless they knew that something would clinch the war and get permanent peace; that they had seized upon the idea of a League of Nations as a means of securing it. These commissions described the attitude of the plain peoples as one of a passionate desire for a League of Nations. This was the reason why Lloyd George, who hesitated about a League, changed his mind.

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He became an advocate of the League of Nations and promised, when he went before the voters of Great Britain to ask for a renewal of his mandate of power, that he would do everything possible to promote the League of Nations. There was a similar change of heart in M. Clémenceau, the French premier. Thus, when Mr. Wilson came to those shores, a part of the welcome he received was due to his announcement of his adherence to that idea. That is the reason why the resolution passed promptly, as it did, declaring in favor of a League, declaring in favor of its embodiment in a contract, and declaring it must be the first subject considered and settled.

I say this for the purpose of removing the idea that this was simply an academic suggestion by somebody. That is not true. It came from a desire from the plain people of those three countries who had suffered so much and were looking for some means by which the peace to be achieved could be made permanent.

The subject was at once referred to a committee, and that committee in due time reported the plan largely as it is now. It was brought home by the President, suggestions of amendments were made, and some were adopted after he returned. Then the treaty was framed after a long process of negotiations, and finally it was brought back here and submitted to the Senate. The Senate has been discussing it before and after the submission a year and a half. I don't complain of that. It was a change in our relations and it must therefore bear discussion in order that the people may understand both the change and the reason for it. The change was made necessary by the change in our relations to the world. That we had changed was demonstrated by the war which we attempted to keep out of, but which we were driven into by reason of our closely knit relations to

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Europe. They couldn't have a big war over there that we wouldn't necessarily be drawn into. While we kept out of it for two or three years, ultimately the inevitable result followed, demonstrating that our leadership and our closeness or intimacy with all the nations of Europe were such that it was impossible for a war to occur that wouldn't affect us. Now, that made it necessary to discuss the League at length, and it was discussed for six months before the League was submitted and four months afterward, and then the Senate voted. And how did they vote? Sixteen, called the "Bitter Enders," voted against the League and the treaty altogether. Forty voted for the League without reservations, just as it was submitted; and forty with fourteen reservations.

Now, what I am anxious to do to-night is to discuss with you the differences represented by those fourteen reservations and see whether they justify these two forties in keeping apart. I do not think they do, and I would like to show you why, if I can. In doing so, it is necessary to give a brief statement of what the League is, of some objections to it, and the attempt to meet them.

In the first place, the League is not a super-government. It is a partnership agreement. It is an agreement in which the nations covenant, each one, not to do certain things likely to lead to war, and in which all the nations agree that if these covenants not to do certain things are broken, they will unite to penalize or restrain the particular nation breaking its covenant. The coöperating obligations of the nations are set out in the covenant. There is no tribunal, there is no authority, legislative or executive, to construe those obligations or to enforce them when construed. The coöperative obligations are left to each nation bound by them to construe them each for itself and to perform them

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under the sole sanction of honor. There is no super-government either to construe or to compel. I think you will see this as I go on to explain the organization of the League.

The statement that we are surrendering our sovereignty and yielding something of government to a higher power is an objection which, if you examine the League, you will find to have no foundation.

The second objection is, that we have no right to agree, on the part of our nation, either to make war or to enter a boycott against another nation, or to do anything at all which Congress under the Constitution is to do; that as the Congress has to declare and make war, we have no right through a treaty to agree that we will make war; that because Congress must levy an embargo and a boycott, we have no power under the treaty-making power to agree to levy such a boycott. Now that, in my judgment, is fundamentally wrong, for this reason: we make contracts with other nations, which are treaties, by the action of the President and two thirds of the Senate. By them we promise things. We do things by the action of Congress. In other words, we are always the United States, and when we make a contract with another nation the branch of the government that represents the United States is the treaty-making power. When we do things, the branch of the government of the United States that acts is Congress. Congress is the performing power; the treaty-making power, treaty-making branch, is the promising power. Now, when the promising power makes a promise, it is for the performing power to perform it. But there is no compulsion, except that of honor and the sense of obligation that will compel Congress to perform what has been agreed to be performed. It is just like this: a man makes a promise in a note, then he

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lets the note go to protest, but that doesn't render the note invalid. The note is still an obligation. So Congress may go back on the promise it has made; it retains the power to do so. That is the power of sovereignty, whether right or wrong, to perform an obligation or not. The treaty furnishes no means of compelling the Congress to do so. Therefore, to make a contract on the one hand is not invalid or unconstitutional, because Congress in the performance of its power may or may not perform it. It is under an obligation to do so. If you create a power in a League that, acting for the United States, can exercise, as, for instance, if you gave power to Marshal Foch to order United States troops into a war, then you do take away the sovereignty and you do violate the power of Congress; but no such thing is contemplated in the League. You may agree in a treaty that you will pay money as we did in the Treaty of Paris to pay twenty millions of dollars to Spain for the Philippines. Can't we promise that? Is it possible that we are so weak a nation that we cannot make a promise to another nation that we will do that thing? We did it. And yet, if this argument obtains, as Congress is the only power in the government to pay money, we have no constitutional right by treaty to promise the payment of money. That is absurd. The restriction imposed upon a minor that he cannot make a promise is regarded as humiliating, and if a similar disability is imposed by the Constitution upon the United States, it is something nobody ever realized as existing before. The Supreme Court has said that the treaty-making power may make any treaty on any matter usually the subject of treaties between nations, provided that it does not give away the land of a state, and provided that it does not change our form of government. Not only that, but we have done it, and we have done it a number of times. We

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have made this agreement to pay money; we have made it often, and we have fulfilled it. It was not regarded as unconstitutional. We have agreed with Panama to guarantee its integrity. That means, if anybody tries to take it and it is necessary, we will make war. There is a promise to make war. Nobody ever thought that was unconstitutional. Are we going to reduce ourselves to a state of mere infancy, in which we cannot make a promise with another nation? Oh, no. The United States is a nation with a big N and capable of doing what any other nation can do.

Now, I have said this is a partnership agreement. If there were any authority created to do something in some other way than the Constitution provides, then the objection would be valid. That was what was proposed by France. It was proposed that we organize an army of a million men, half of whom were to be stationed on the Rhine and the other half to be distributed over the earth, with Foch as chief of police. When he should deem it advisable, he would touch a bell and order fifty thousand men to go and suppress a particular disturbance. That would have been beyond our power, because that would have given Marshal Foch the power to involve the United States in war and to use its army for that purpose. That we refused to agree to on the very ground that we hadn't the constitutional authority to agree to do so.

But, you say, if that is all the League amounts to, then it doesn't amount to anything, because there is no compulsion. Well, if there is no spirit of coöperation, it doesn't amount to anything. If the nations do not voluntarily stand by their agreement, then the League will be dissolved and each nation will give a notice of withdrawal; but if there is the spirit of coöperation, if they do act together in accordance with their honor and obligation as construed by them



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in good faith, then I hope to show you before we get through that this is a very effective organization.

Now, how is it organized? It is organized into two bodies: into a Council of nine members, five of whom are selected by the great powers, the United States, British Empire, France, Italy, and Japan; the other four of them are selected by four countries, who are selected themselves by the forty-five members of the League. Belgium, Brazil, Greece, and Spain now select the four other members of the Council; these four, however, may be changed from time to time by the League. Now the Council has been said to be a body that constitutes a super-government; that it is the body that orders the several governments around. Well, if you will examine its duties, you will find that they are described in the articles as recommending, as advising, as proposing. Now, you know the meaning of recommend, of advise, and of propose. It is a fundamental rule of construction that instruments of this kind are to receive in their words the ordinary meaning of those words; but those who would say that this Council is a super-government must make the argument that "recommend" means "command," that "advise" means "direct," and that "propose" means "order." Now, you know and I know that this is a misinterpretation; that is a perversion of ordinary meaning. Especially may we say there is not the slightest danger of such a strained and impossible construction when we are to construe our own duty in respect to a recommendation. Do you suppose we are going to construe it to be a command? "Recommend" means to urge upon some one something which he has the option to accept or reject. So "advise" has a similar meaning. So has the word "propose." I submit to the ladies present that that always connotes acceptance or rejection. It did in my day. Therefore, the function of the Council

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is not mandatory; it is only recommendatory. And what are its functions? It is a clearing house; it is always on the job; it notes possible disturbances here, there, or everywhere, and brings them to the attention of the members of the League and suggests what shall be done by them, but leaving it for them to decide each for itself.

Now, the Assembly is the other body organized. And what is that? That is the convention of the League. In that meet the delegates. Any country may have from one to three, but will have only one vote. It is a great body for discussion, but its functions are less important than those of the Council. Of course it is a clumsier body. There are upward of forty or more members each with one vote. It recommends to nations, when their treaties seem to be in conflict with their obligations to the League, that they change them. It votes in new members by two thirds vote.

In addition to these duties the Council and the Assembly have quasi-judicial functions. If the parties do not resort to arbitration, then the disputes between nations are referred either to the Council, or, if not to that, then to the Assembly. The parties to the dispute are excluded from the tribunal, and if it is before the Council, the Council must agree unanimously on recommendation of settlement, and the Assembly must agree unanimously, so far as the nations that constitute the Council are concerned, and by a majority of those who are not represented in the Council.

Now, in that short way I have described what the organization of the League is and what are the functions of the only two bodies organized out of it, the Council and the Assembly.

The purpose of the League is, generally, to avoid war. There are other purposes, but this is the main one and this

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is the only one I wish to consider to-night. How does it accomplish those purposes? By four great steps.

The first step is by a reduction of armament. The Council is directed to look into the question of armament and recommend a reduction of the armaments of the world, and fix a limit for each nation, so that it shall not be greater than enough for national safety and to meet the obligations of the League. It proposes a plan of reduction and proposes a limit within which each nation is to keep, for not more than ten years. That plan is submitted to the nations for their consideration. It is discussed until finally they all agree upon the respective limits. When they do thus agree, each nation covenants for not more than ten years to keep within the limit assigned to it and accepted by it. If any nation wishes to increase its limit during the ten years it must apply to the Council for consent.

Now, one thing that I ought to say in respect to that I have omitted; that there has been a good deal of argument that it is very unsafe for us to send a delegate to the Council who can commit us to so many different things, and exercise a power too great for any American citizen to exercise. Well, that depends upon what the power of the Council is. If the power of the Council were such as to bind them, then that might be a great power, but as the power of the Council is only such as to recommend a plan to us or to recommend this, that, or the other course, and we are still to decide upon it by the body which has the right to act, and the only power to act, which is Congress, it doesn't bind us, and it doesn't confer the power on a single member of the Council who is to be appointed by the President and confirmed by the Senate, to exercise the imperial function; he only discharges his duty and joins in the recommendation. If the President desires it he can direct him not to

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join in the recommendation; but still, after he and the President agree on the recommendation and the Council makes it, Congress must authorize action or nothing can be done. It all comes back to Congress.

Now, let me come back to the armament clause, which is the first great step. It is objected that this takes away our power to defend ourselves. I would like to argue that out in full, but it must be apparent that we limit our armament in consideration of every other nation limiting its armament. If two men are about to fight and they are known to have revolvers, and their friends gather around and take away their revolvers, and they go at each other and punch each other in the eye and nose or solar plexus, there may be some blood, but there is no mortality. And that is the principle here. With only defensive armament it is thought there will be no temptation to war. We ought not to object to such limitation when we are separated by an ocean from the place where the disturbance is likely to take place, if it takes place at all. If those nations with their elbows jostling can venture to limit their armaments, it will certainly be safe for us to do so.

But this armament clause is very important—very important, because this war grew out of a competition in armament. It was the fact that Germany won the race in armament between all the continents of Europe, the race which she herself started, that led to this war. She was ready and France and Russia were not, and when the occasion of the Austrian Crown Prince's death came, she seized it, and she said to Austria, "We are ready and we must strike," and they did. More than that, the enormous armaments brought on by this competition characterized the war, making it the most cruel in history. These enormous armaments of forty years' growth were such that

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Germany was at once tempted into a campaign that was not alone against armies, but against people, against countries. They destroyed agriculture, they destroyed horticulture, they destroyed industry, they destroyed plants and stole machinery; they did everything they could to set back the nations whom they expected to conquer, so that it would take a quarter of a century for them to recover themselves again and join in any competition in peaceful trade. With this result staring us in the face, can there be any one who would not wish to prevent this competition in armament by mutual limitation? Now that is the first step.

The second one is Article 10. I am going to refer to that later because it has been made the great point of discussion in the League. I will say now it is a mutual guarantee by the nations constituting the League that each nation shall retain, unimpaired by actual war, its integrity and its political independence.

It is the embodiment of the principle that this war was fought to make the world safe for democracy. It is a protection to the weaker nations by the guarantee of the united forces of all to protect it. That is the second step.

The third is the arrangement of the machinery for settling differences between nations peaceably. Each nation covenants that whenever a dispute between it and another arises, it will submit it to arbitration; if not then, as a matter of course it goes before the Council and the Council hears it, or if not the Council, then before the Assembly; but it must be heard and passed on in a judicial way, and the recommendation of settlement must be made. Each nation covenants that it will not begin war but will submit its dispute as provided, and that it will not begin war on account of that dispute until three months after the arbitral award on the recommendation of settlement by one or the

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other of the tribunals, and not then, if the nation against whom the recommendation has been made shall comply with the award or recommendation. Now, if any nation does begin war in violation of this covenant under Articles 12, 13, 14, and 15, then Article 15 applies. That article requires that all the nations, when one nation has violated its covenant, shall at once begin a boycott against the covenant-breaking nation, the nation that is then in war in violation of its pledged faith. Now I need not explain to you what a tremendous weapon that gives to the League to prevent or stop war. The withering isolation that it will bring about you can understand when you realize that no food is to be furnished by any nation in the world to this covenant-breaking nation, that no raw material, no manufactures, no ammunition, no guns, nothing of any use whatever can there be furnished. Not even can the money be paid that is due to that nation; it is withheld. On the other hand, the covenant-breaking nation may not send its products into the markets of another nation to be sold, there to get the money with which to carry on the war. It is surrounded by a Chinese wall. No nation, except possibly the United States or Brazil or Argentina, could possibly carry on a war in the face of such a withering boycott. No European nation could possibly do so. On the other hand, this violation of the covenant is to be an act of war against every nation, and each nation may, if it chooses, begin war against that nation and add its military forces to the forces of the boycott to suppress the war of that nation. The effectiveness, therefore, of this means of settling disputes in so far as settlements may be judicially, I need hardly emphasize. And that is the third step.

The fourth is open diplomacy. You know that in the past all offensive and defensive alliances and treaties look-

ing to war have been secret. The triple alliance between Germany, Austria, and Italy made by Bismarck and continued by the emperor was secret. The treaty between France and Russia was secret, between England and Japan was secret until but lately, and the treaties made with respect to the Dalmatian coast and as to the division of Asia Minor, between the Allies, were secret. There have always been secret treaties over Europe, and the suspicions engendered by them, the distrust, the fear, the misunderstandings, tended to cause war. Now they are abolished under this League, if it goes into operation. No nation can make any agreement of any kind with another nation which will be binding until it is recorded in the secretariat of the League. When we dealt with nations our treaties have always been open, but not so as between other nations. Under the League, when we deal with another nation, all we have to do to know what the obligations are of that nation with another nation so as to see there is no conflict, is to go to the secretariat of the League and examine its treaties. This we can do just as easily as you do when you want to buy your neighbor's lot, and find what his title is by looking at the public records of his deeds, which must be recorded there to give the title, or at least to protect him in his title.

Now those are the four great steps, the armament clause, Article 10 and the mutual guarantee, the settlement of differences peaceably, and the enforcement by boycott of the settlement of those differences and open diplomacy. Those are the greatest steps taken or suggested in recorded history for the avoidance of war.

Now, with that, what are the fourteen reservations? How much do they interfere with the treaty? How do the two parties in the Senate, *i.e.*, the two forties, stand as to them? These reservations are divided into three parts.

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The first part includes six; they are the interpretive reservations, reservations that do not change the meaning of the League. Then there are two of them that are mere declarations of constitutional law. Then there are six which do qualify some of the obligations of the United States under the League. I will deal first with the six that are interpretive.

The first reservation concerns the leaving of the League by a member, the withdrawal. The covenant provides that a nation may withdraw from the League upon two years' notice after having fulfilled its obligations to the League and international law. The reservation on this subject is in substance that the United States reserves to itself the right to determine whether it has fulfilled its international and League obligations, and having so determined, to make its notice an absolute separation at the end of two years. This is only what every other nation may have under the League. As I told you, it is for these nations themselves to construe their own obligations and therefore to determine, because there is no other power to do it, whether they have complied. Therefore, each nation that gives notice can exercise the same power that the United States reserves to itself, and there is no objection, so far as I know, to this construction. There is one provision in this reservation, however, and that is that the notice of withdrawal shall be given by a concurrent resolution. Now the Ethiopian in the wood-pile is this, that a concurrent resolution does not go to the President, and this takes away from the President the power to participate in the withdrawal. I deprecate that. I think that, because the President has so much to do with our foreign relations, he should take part in so important a matter as withdrawal from a world league. A coolness has existed between the Senate and the



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Chief Magistrate for some time. It is not for me to discuss the merits of it. Sufficient to say, it existed. Now I say I deprecate this omission of the President's because it has a temporary and a personal aspect which it preserves in amber. The League Treaty, when we enter it, is likely to last for a century or more, until we get something better. This may not fit the future. It was voted into the reservation by a Republican vote, and yet, in the providence of God, we are soon going to have a Republican President, and then it won't be so applicable.

I come to the second reservation, which concerns the question of domestic jurisdiction, or the jurisdiction of domestic question. Many have feared that under the League it might be possible, for instance, for Japan to bring a complaint against the United States that we shut out the Japanese laborer, or that we do not naturalize them. We have a right to do both, to refuse both under international law. The League says that if before any tribunal of the League a question shall be made the basis of a dispute which is one of domestic jurisdiction of the defendant, the tribunal shall dismiss the case. The reservation is, that the United States refuses to submit questions it deems domestic to the tribunals of the League, and then it mentions those which it deems domestic, to wit, immigration, tariff, white slave traffic, coastwise trade, commerce,—questions which I understand nobody disputes are plainly domestic questions. There is no real difference between the two forties in the Senate on that subject, and I pass on.

The third is the Monroe Doctrine, and this is said to be a crucial difference between the two forties. Now I want to read you that in order to show you what the difference is, and I am going to ask you to follow me as I read this reservation, first stating that the covenant provides that

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the regional understandings, like the Monroe Doctrine, shall not be affected by the League. That was not thought to be sufficiently specific, and this reservation was adopted. I would like to have you follow it with the same degree of care—and I am speaking to the men now—that you do when your wife is detained at home from church by illness and you are sent to report what the text is. This reservation is divided into three parts; the first says:

“The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations provided for in said Treaty of Peace any questions which in the judgment of the United States depend upon or relate to its long established policy, known as the Monroe Doctrine.” That is the first part. “The United States will not submit to arbitration or inquiry by the Assembly or Council any questions which in its judgment depend upon or relate to the Monroe Doctrine.” The next is, “Said Doctrine is to be interpreted by the United States alone.” Well, if the United States is not going to submit it to arbitration or to the League, it must be a reasonable inference that the United States is going to interpret the Doctrine for itself. Now that is the second one. The third one is, “The Doctrine is hereby declared to be wholly outside of the jurisdiction of said League of Nations and entirely unaffected by anything in said treaty of peace with Germany.” If the United States is not going to submit any question it deems in any way dependent on the Doctrine, and if the Doctrine is to be interpreted by the United States alone, then it may be reasonably inferred that the Doctrine is wholly outside of the jurisdiction of the League and unaffected by the treaty. In other words, the reservation states the same thing in a different form three times. Now, what did the Democrats do? They said, “We will take

the first and we will take the third, but we wish the words 'Said Doctrine is to be interpreted by the United States alone' stricken out." In other words, my friends, and I have read this so you may hear it, the Republicans say the thing three times, and the Democrats say, "No, we object; we will say it only twice." And that is said to be a crucial difference. Now I submit to you that one who is longing for the League, who has lived it in a sense and is praying for its beneficent results, has a right to feel impatient that these two forties did not come together. What difference does it make whether we say it once or five times, if we say the same thing?

Now, the fourth reservation is in regard to the boycott, the universal boycott. That provision is that each nation under Article 16 shall levy a boycott against the country violating the covenant and its nationals, and this reservation is that the United States reserves the right not to boycott nationals of a covenant-breaking country that do not live in the country of the covenant-breaking nation or live in the United States. Well, of course, the boycott wouldn't be construed to be against anybody but the country and the people living in the country who were the object of the compulsion. Therefore, there is no objection to the reservation, and I pass on.

Now, the other two reservations of an interpretive character concern the Treaty of Peace as distinguished from the League. They are plainly within the language, and they are not objected to, and I go on to the two declarations, called Declarations of Constitutional Law.

The first one is, that after we enter the League, the Congress shall pass a law providing for the appointment of delegates to the Council and to the Assembly, and to any commissions under the League and prescribe their duties,

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that they shall be appointed by the President and confirmed by the Senate. Now, that would have to be done whether it is specified there or not. That is the constitutional way of doing it. Ambassadors have to be provided for by Congress; their duties prescribed, their salaries provided for, and their appointment under the Constitution must be by the President and the Senate. This is really a gentle reminder to the Chief Magistrate in the White House that the Senate and Congress are still doing business at the same old stand under the Constitution. The necessity for that gentle reminder is part of the history of this treaty, and I am not going into it.

The second is also a reservation that is merely declaratory of what must be. It is a provision that we shall not be the mandatory of any country under the League, unless Congress shall consent. The covenant provides that for all those countries carved out from the defeated empires not capable of self-government, the League may designate a guardian or mandatory to take charge of that country and lead it on under League charter and govern it until it has become capable of self-government. It has been suggested that the United States become the mandatory of Turkey, or the mandatory of Armenia. This reservation is to prevent the President from sending a mandatory there without the consent of Congress. Well, he couldn't do it anyhow. There are many reasons why he couldn't do it, but I can suggest a very practical one, and that is that if he appointed a governor and a staff they necessarily would have to have a guard, because a man who would be such a fool as to go to Turkey and try to govern it without a guard is not worthy of being a governor; but the traveling expenses and pay of the governor and his colleagues and the guard would have to be paid. Where must the money come

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from by Congressional appropriation? I am able to advise you from personal experience that it couldn't be carved out of the President's salary. Therefore, there is no objection to those two reservations. The question of their necessity is one that I leave to you. Now that ends eight of the reservations.

Then I come to the six reservations that do qualify and reduce the obligations of the United States. One of them is as to the armament section. This reserves to the United States the right to increase its armament in advance of actual war or threatened invasion without getting the consent of the Council. I do not object to that because the United States would never abuse it, and if it does not lead the other nations to insist on a similar reservation there is no real objection to it at all. If it did, then it might weaken the armament section in an important part of the world, to wit, Europe; but as those nations have come in and consent already as between themselves, it is quite probable that the action of the United States in this regard would not affect their obligation. Therefore, there is no objection to the reservation.

The next is as to Article 10, and as to that I want to say a few words, perhaps more than a few words, because it is the article in respect to which there has been so much discussion. It is Article 10 that presented the crucial differences, so said. The article reads like this: "The members of the League undertake to respect and preserve against external aggression" (that is, aggression by a foreign country, not against revolution in any one country) "the territorial integrity and existing political independence of all the members of the League."

Now that is important in uniting the police of the nations to enforce the international commandment, "Thou shalt

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not steal." It has been criticized. It has been said by Mr. Wilson to be the heart of the League. If he means by this that the taking it out of the League kills the League, I do not agree with him. That it is an important part of the League goes without saying. But it is not nearly so important as it seems to be. It is important in its threatening and warning a country that the power of the world will be used against a piratical or robbing nation. The importance is in its minatory character. It is, in my judgment, an enlargement of part of the Monroe Doctrine. The Monroe Doctrine was an announcement by the United States that any nation that came over here from Europe and attempted to take the territorial integrity or the political independence of a nation on this side would meet with forcible resistance by the United States. This enlarges it so as to include all the nations of the world. Now we have had the Monroe Doctrine construed, and we know that it does not mean an obligation to stop war against any American nation. Chile was attacked by Spain during the sixties, and Chile appealed to the United States to defend her against the Spaniards; but Mr. Seward, answering for this country, said, "No; our policy does not require us to resist war; it only requires that where war shall develop into war of conquest and territorial independence, we interfere to prevent conquest." Mr. Roosevelt said the same thing in reference to Venezuela when three nations united in a blockade against Venezuela in order to collect their debts. He said that it was not a violation of the Monroe Doctrine until it amounted to an appropriation of their territory or independence.

Therefore, here Article 10 would not be violated until after the war was begun and it appeared that it was a war of conquest.

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On the other hand, Article 16 would be immediately applicable. No one nation can begin war without submitting the dispute on which the war was begun to a judicial tribunal. If it does, it violates its obligation and covenant. Therefore, in most cases, indeed all cases except those of most remote contingency, Article 16 would apply long before Article 10 would come into operation at all.

Now I am in favor of Article 10. I always have been. But it is objected to because it is said that it will involve us in constant war. I don't think the objection is well taken. I do not think it is well taken because the Monroe Doctrine has not involved us in constant wars. When the Monroe Doctrine was proposed it was opposed with all the bitterness with which Article 10 has been resisted, and Benton and Calhoun and others denounce it on the ground that it was going to throw us into constant wars. That was nearly a century ago. We have maintained that broad declaration since that time without being involved in a single war, without discharging a shot or losing a man. If that be the case with the Monroe Doctrine, how much more may we count it to be the case where the compulsory force is not that of one nation like the United States, but of all the nations of the world united together. But the article is deemed to be dangerous for the United States by many who think we ought not to be pledged affirmatively to protect the complicated status quo of the boundaries of the map of Europe as drawn by the German, Austrian, and Turkish nations. This objection is supported conscientiously by a majority of the Senate of the United States, and their conscientious scruples must be respected.

I am inclined to think that the forty who voted for Article 10 in their hearts feel the same way as I do. The majority of the Senate agreed on the following reservation

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as to Article 10: "The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the use of its military or naval force, its resources or any other form of economic discrimination, or to interfere in controversies between nations, whether members of the League or not under the provisions of Article 10." That last provision doesn't add to the other, because the other is all inclusive. "Or to employ the military or naval forces of the United States under any article of the treaty for any purpose." Well, they are not required to employ them except under Article 10, but this is out of abundant caution. "Unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution, so provide." What that does is to destroy the legal obligation upon the United States to act in case of violation of Article 10 by any nation, and to leave it to Congress, when the case arises, in its full discretion to say whether it will act or not.

Now the other forty, the Democratic forty, agreed on this, which I read from a printed record of the Senate, *"Alternative Compromise Reservations"*:

"The United States assumes no obligation to employ its military or naval forces or the economic boycott to preserve the territorial integrity of political independence of any other country under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless, in any particular case, the Congress, which, under the Constitution, has the sole power to declare war, shall, by act or joint resolution, so provide. Nothing herein shall be



deemed to impair the obligation in Article 16." Well, nothing is contained in the other impairing Article 16, and nobody claims that it does. Now let me read you another one, the alternative. It is headed, for I must be a little personal, "*Mr. Taft's Suggested Reservation.*" I write editorials for the "Public Ledger," and as everybody was trying his hand on the reservation, I thought I would try mine. If I had known it was going to be seriously considered I would not have put my name to it, and then I think it would have had more support.

"The United States declines to assume any legal or binding obligation to preserve the territorial integrity or political independence of any other country under the provisions of Article 10, or to employ the military or naval forces for any other purpose; but the Congress, which, under the Constitution, has the sole power in the premises, will consider and decide what moral obligation, if any, under the circumstances of any particular case when it arises, should move the United States in the interest of world Peace and Justice to take action therein, and will provide accordingly." Now, those three reservations mean exactly the same thing. The word "resources" is used in a majority reservation, but if the Democratic party could go so far as to eliminate obligation as to military and naval forces and a boycott, it would seem concession as to resources would have been very slight indeed. The difference could hardly be seen with the naked eye. Now I ask, if the majority of the Senate passed the first reservation and the forty were willing to adopt the other two reservations, why under heaven couldn't they agree, the whole crowd? Now I agree with Mr. Bryan—he and I are so rarely in agreement, but when we are, you may know there is a good reason; and that is, that if the majority of the Senate, which

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is the coördinate body, hits upon a reservation like this, differing from the minority only in words and in the slightest respect in regard to substance, then the majority reservation ought to be sustained, and the minority ought not to stand out on such a difference.

Now that is reservation ten, and I say let it go out, though believing in the article. If I had my way I would let it stay in the League, but what I want to do, my friends, is to get the League.

Now the third reservation is in respect to labor and labor chapter, Chapter 13. It only varies it by requiring the consent at the beginning instead of at the end, and it really is not a serious change at all, and they both agreed on it, so I pass on.

The next one is Shantung reservation. They agreed on that, and I pass on.

Then there is the English reservation; I mean the reservation as to English representation, which has been made the subject of a great deal of discussion. It is said that the League provisions give to England six times as much influence as the United States has. Now what is the history of it? Five of the English dominions did noble work in the war and they wanted to have direction of their own diplomatic and foreign relations. They asked to be made independent members of the League, with the British Empire already a part, and the conference consented. That represented an anomaly in regard to the hearing of disputes. The provision in that is, that where the parties to the dispute are excluded from the tribunal they cannot sit on the jury. Well, of course they cannot. Suppose we have a dispute with Canada, can Australia and New Zealand and South Africa sit in a tribunal in such dispute with Canada, from which we are excluded? Certainly they ought

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not to do so, and Lloyd George says that is what the League means. If that is so, then this reservation, which does exclude them, is not objectionable. The other part of the English reservation, however, goes further and provides that the United States will not be bound by any decision vote or election, either in the Council or in the Assembly, where more than one vote is cast in the aggregate by a mother country and its dominions. Now in the Council that won't operate in any important way, for the reason that no dominion of Great Britain will ever be a member of that Council. There are four places to be filled. The British Empire is a permanent member of the Council. Now, it is contrary to human nature to suppose that forty-five League members, each one of whom would like to be in that Council, will vote to put into that body of nine members a dominion of Great Britain when Great Britain is a permanent member, making two out of nine. Therefore, the application of this reservation to the Council and its action, which is the important body, is really negligible. But as to the Assembly it is different. The Assembly elects new members by two thirds vote, and six votes do count more than one, where you are constituting a two thirds vote. As to the other actions of the Assembly its provision is not important, for the reason that the Assembly must act unanimously, and one vote does not make a thing any more unanimous than six votes, and one vote can make a thing just as un-unanimous, if I can coin that word, as six votes. Therefore, the only importance of the six British votes is in the election of new members.

Now, the discussion of it is reduced by the fact that Lord Grey, speaking for the British Empire, says that they will not object to that reservation or to any of the reservations, and certainly not to that, because they are willing to have

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an amendment to give the United States just as many votes in any particular case as Great Britain has with all her colonies. Therefore, that reservation seems to pass to the boundary of the unimportant.

Then there is a reservation that I do not like to dwell upon—I think it must have been drawn up by the “Bitter Enders”—in which it is provided that the United States will not bind itself to pay its share of the rent or of the expenses of the secretariat of the League until and unless it is previously provided for in an appropriation by Congress. In other words, we are not going to pay the janitor or the scrubwoman or the rent until we know what our share is. Well, that is not going to interfere, because they know we will. It was drawn by a “Bitter Ender” who wanted to make the thing look as uncomfortable as possible. In the second framing of that reservation the majority changed that, and they said, “We will pay the janitor, and the rent, and the usual expenses; if there is anything extra, Congress must know of it in advance and approve it.” Now I pass over that, as it is unimportant.

I now have covered all the reservations, and I think and hope have shown you that the differences between the one forty and the other forty are so small that we have a right to ask that, under the principle of compromise and concession essential to the working of popular government, they shall agree, and if they cannot agree in any other way, then that they shall take the action of the majority of the Senate.

Now, so much for the Senators in the Senate. But how about the President? He has intimated in a letter that Article 10 is so important that he doesn't think the League ought to be entered by us if it is to be modified in any substantial way. Now I differ utterly and radically with the President of the United States in that position. I am just

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as strongly in favor of the League of Nations as he is, or as any man in this country or in the world. I have given as much time to this matter as anybody, and I think I understand the League because I have studied it with great care, and I am confident that, even if Article 10 is eliminated and it is left in the form in which it is now suggested, the three great steps, (1) The Reduction of Armament; (2) The Settlement of Differences and Disputes Peaceably and the Penalizing of a Failure to Submit by Boycott and by Voluntary Military Action if any Nation Choose; and (3) By the Making of Treaties Openly so that we will be dealing on the Ground Floor, are three of the most important steps ever taken toward bringing about peaceful results and avoiding war. It is a sacrifice of interest of the utmost value to us. It cannot be right that because we cannot get all that we desire, we should kill and destroy that which contains so much useful to the world and to this country. I want to reënforce that by the statement that the other countries are yearning to have us come into the League, and they are willing to accept these reservations because Lord Grey has said so, an ambassador of the leading nation of the League. There have been similar intimations from France. Therefore, I think it is unreasonable to take the position that because the limitations on us are not heavy enough, therefore we will not help them. When they are praying for us to come in, it seems absurd for us to say, No, you do not impose on us heavy enough obligations. The fact that the nations are willing to receive us without the obligation of Article 10 should rid us of sensitiveness with reference to the article. Bear in mind that the other nations are bound as between themselves by Article 10, so that they will be compelled to furnish military force if need be. Nor is this any reason why we should

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refuse to furnish the strength that we will furnish in the League, because without us the League will amount to nothing really. It will only be a mere offensive and defensive alliance, unless we enter. We are the greatest nation in the world. It is something recognized by the world. We have the greatest population with the highest average of intelligence, the greatest resources, the greatest wealth, and we have demonstrated that we had the greatest military potentiality. The nations on the other side are in a dreadful condition. They are threatened with Bolshevism. Bolshevism is the destruction of Christian civilization. Russia is already under its iron heel of tyranny, and it is threatening Germany, Hungary, Austria, Italy, and France, and is showing its ugly head in Great Britain. If it sweeps over Europe it means danger for us. More than that, think of the destructive character of war upon those nations. Think of the burdens of debt they have. Think of the cost of reconstruction. They need the aid of the United States in the League to stabilize conditions. Why is it that exchange is now so discriminating as against them? Exchange is governed by the interchange of products. When we furnish the same amount and value of products to another country that it does to us, then the exchanges are equal. But when there is a balance against one, it must meet it in the money of the world or gold. If it hasn't that gold, then in its credit, and if it has not the credit, then exchange is against it. That is what has happened over there. The credit of European countries is not good. A German comes here with a coin worth nominally twenty-two or twenty-three cents, and he can buy for it only a cent and a half's worth of cotton or of wheat or of our manufactured commodities. An Austrian comes here with a twenty-cent coin, and he can buy six tenths of a cent's worth. The proud Pound Sterling

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of England has been down to  $33\frac{1}{3}\%$  discount; a little higher now because they sent over some gold. In France it is down below that. These exchanges are prohibitory of large purchases. Domestic demand here is now so great for our products that we do not feel the lack of foreign trade. But let us be restored to normal by continuous production, and we shall find that we have no international trade because they have not the money or the credit with which to buy. In normal times we are dependent on our foreign trade for reasonable prosperity, and therefore it is to our interest to keep up the strength, to aid the reconstruction, of those who are to be our customers. We can do this by entering the League. This is the condition from a selfish standpoint. From the moral standpoint, God has not given us the blessings He has showered on us, the leadership and the power, without commanding that we should exercise that leadership and power with responsibility, not only for ourselves, but for the world at large. Not that we should sacrifice our country, but that we should run a reasonable risk and use the power we have to help our brothers. Our Allies fought not only their battles but ours for three years, during which we took out of them the high profits on our enormous production. Now shall we not stand by them when they, as the result of this war, are in the slough of despond, when they need our encouragement? Should we enter the League it will tend to stabilize, it will tend to improve, their credit; it will tend to help them in work of reconstruction; it will tend to enable them to resist the oncoming of this awful destructive social theory and plunder and conspiracy of Bolshevism.

Now I say in the face of that, are we going to quibble? Are we going to stand out for pride of opinion because we want something in the League that we think ought to be there? Are we going to hold off that League and say to

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the world we have a pride of our authorship and we are going to stand on that, and we are going to let you wag as you will unless we get what we want exactly?

Now, my friends, I have tried to recite to you as carefully as I could what I understand to be the actual situation of the League. The Republicans have introduced a resolution declaring peace conditionally with Germany. It has passed the House and it is said to be likely to pass the Senate. I don't know. If it does, it will meet the resistance of the Democrats on the ground that it is unconstitutional to take away the right to make peace from the treaty-making power and put it in Congress. I venture to think that that constitutional objection is not well founded. I think you can make an agreement between nations by legislation on one side and legislation on the other, making one conditional on the other, but it is a very awkward, clumsy way of backing into an agreement. It is likely to be vetoed, and the veto will be sustained if the Democrats who voted against the resolution vote to sustain the veto. Then we shall be exactly where we were before the resolution was proposed. Then something has got to be done. The President, insisting on his constitutional right to initiate, will be obliged to begin the initiation over again. Is he going to Germany to make peace? He has this treaty still in the White House. He can send it back to the Senate. I hope that he will, and I also hope that when he sends it they will see more clearly how near they are together than they ever did before, because you observe this treaty has been dead three times, and twice it has been resurrected. The first time the vote was sixteen against, forty for it with reservations, and forty for it without reservations. The next time there was a majority of the Senate for the League with the fourteen reservations, and it came within seven







votes enough to make the two thirds. Now the third time let us hope and pray will be the charm. And I do so neither as a Republican nor as a Democrat, for I am neither in respect to the League. I want the League, and I have attempted to give you what I hope, on my part, is a non-partizan view of the situation. I believe the League to be more important than any party. I believe it to be the greatest step forward ever taken for the world of mankind. Of course it is not perfect; of course it will need amendment; of course it contains within itself the power of amendment. No instrument of this kind was ever perfect, and we must expect that when we shall go on, defects will appear. But if we can only get around the counsel table, only get our foot inside of the door, only occupy the standpoint of looking at things with world view, with world responsibility, with the steps I have described in the League, even without Article 10, the future possibilities are so great, my friends, that they seem like a dream rather than a realization.

I am sorry to have detained you so long, but I think the cause is worthy of discussion. I thank you from the bottom of my heart.

WILLIAM H. TAFT.

